

April 3, 2008

**Update for the Release of Information for Communicable Disease
Investigations Rulemaking (9 A.A.C. Chapter 6, Article 1, R9-6-102)**

A.R.S. § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” The current R9-6-102 addresses the release of protected health information to the Department if the information is requested for the purpose of detecting, preventing, or controlling disease, injury, or disability.

In investigating many types of communicable diseases, the Department may require information that does not meet the definition of protected health information and, thus, would not be covered under R9-6-102. For instance, in investigating a food-borne disease, the Department may require information from food suppliers or retail stores. In investigating a measles case traveling on an airliner, the Department may require a list of passengers.

The Department has posted a draft revision of R9-6-102 on the Department’s website for informal public comment. The revised rule will expand the scope of the information that is required to be released to the Department or a local health agency when the Department or the local health agency is investigating a report of a communicable disease case or outbreak.

The Department has received informal public comments on the posted draft rule, expressing support for the change. The Department plans to submit a Notice of Proposed Rulemaking for this rule before the end of April.

Stakeholders can communicate their issues and concerns to Ruthann Smejkal, Rules Analyst for the Department, by e-mail at smejkar@azdhs.gov, by phone at 602-364-1230, or by fax at 602-364-1150.